

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kaiser Faisal Nur,

Case No. 19-cv-2384 (WMW/DTS)

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

Elizabeth Sanders, *in her individual as well
as her official capacity*, and
Olmsted County,

Defendants.

This matter is before the Court on the October 9, 2020 Report and Recommendation (R&R) of the United States Magistrate Judge David T. Schultz. (Dkt. 48.) The R&R recommends granting in part and denying in part Defendants' motion for summary judgment. (Dkt. 30.) Objections to the R&R have not been filed. In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the R&R, the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The October 9, 2020 R&R, (Dkt. 48), is **ADOPTED**.
2. Defendants' motion for summary judgment, (Dkt. 30), is **GRANTED** as to Plaintiff's first cause of action, pertaining to excessive force, and that claim is **DISMISSED WITH PREJUDICE**.

3. Defendant Deputy Elizabeth Sanders is **DISMISSED** from this lawsuit.

4. Defendants' motion for summary judgment is **DENIED WITHOUT PREJUDICE** as to Plaintiff's second cause of action, pertaining to deliberate indifference, pending further development of the record as follows:

- (a) The parties are allowed 90 days from the date of this Order to complete written discovery and depositions that are limited in scope to the deliberate-indifference claim alleged in the complaint;
- (b) Plaintiff may amend his complaint to add appropriate parties as defendants to his deliberate-indifference claim no later than 10 days after the close of this additional discovery period;
- (c) Defendant Olmsted County and/or any new defendant may bring a summary-judgment motion on the deliberate-indifference claim;
- (d) The scheduling order will be amended so that the summary-judgment deadline requires any summary-judgment motion to be served, filed, and scheduled no later than 60 days after Plaintiff amends his complaint;
- (e) The parties shall be ready for trial no later than 4 months after a ruling on any summary-judgment motion scheduled pursuant to paragraph (d) above or 4 months after the deadline imposed by paragraph (d) if no summary-judgment motion is filed.

Dated: January 19, 2021

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge